Army Regulation 70–57

Research, Development and Acquisition

Military-Civilian Technology Transfer

Headquarters
Department of the Army
Washington, DC
25 July 1991

UNCLASSIFIED

SUMMARY of CHANGE

AR 70–57
Military-Civilian Technology Transfer

This revision prescribes--

- Department of Army policies and responsibilities for active technology transfer to the domestic civilian sector, including technical assistance to State and local governments.

- And cooperative technology development with private sector and civilian sector organizations.

Headquarters
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25 July 1991

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Effective 23 August 1991

Research, Development and Acquisition

Military-Civilian Technology Transfer

By Order of the Secretary of the Army:
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General, United States Army
Chief of Staff
Official:

MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

History. This UPDATE printing publishes a revision of this publication. This publication has been reorganized to make it compatible with the Army electronic publishing database. No content has been changed.

Summary. This regulation implements section 3701, title 15, United States Code et seq., Executive Order 12591 and Department of Defense regulation 3200.12–R–4. It requires the establishment of organizational elements and prescribes Department of Army responsibilities and policies for active technology transfer to the domestic civilian sector. Specifically, it provides policies and operational guidelines for the provision of technical assistance to State and local governments, for the licensing of intellectual property, for entering into Cooperative Research and Development Agreements, and for other cooperative efforts in research and development necessary to provide new technologies of interest to the civilian sector as well as the military.

Applicability. This applies to all research and development centers, laboratories, activities, and appropriate staff elements of the Active Army.

Proponent and exception authority. Not used.

Army management control process. This regulation is subject to the requirements of AR 11–2. It contains internal control provisions but does not contain checklists for conducting internal control reviews. These checklists are being developed and will be published at a later date.

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (SARD–ZT), WASH DC 20310–0103.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency of this regulation is the Office of the Assistant Secretary of the Army (Research, Development, and Acquisition). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (SARD–ZT), WASH, DC 20310–0103.

Distribution. Distribution of this publication is made in accordance with the requirements on DA Form 12–09–E, block number 3740, intended for command levels C, D, and E for the Active Army.

Contents (Listed by paragraph and page number)

*This regulation supersedes AR 70–57, 15 May 1983.

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Chapter 1
Introduction

Section I
Concept

1–1. Purpose

a. This regulation implements section 3701, title 15, United States Code (15 USC 3701) et seq., Executive Order 12591 and Department of Defense (DOD) regulation 3200.12–R–4; and prescribes Department of Army (DA) responsibilities and policies for active technology transfer to the domestic civilian sector, including technical assistance to State and local governments, and cooperative technology development with private sector and civilian public sector organizations. This regulation specifically—

(1) Requires integration of technology transfer from the military to the civilian sector into the mission of the Army and of each specified laboratory and research and development (R&D) center.

(2) Requires the establishment and staffing of an organization within each of these specified laboratories or centers to perform the domestic technology transfer functions.

(3) Requires the establishment of the Army Domestic Technology Transfer Program (ADTTP) Manager.

(4) Prescribes DA management policies and procedures to ensure the effective use of Army resources in cooperative R&D, the provision of technical assistance, and other domestic technology transfer activities.

b. This regulation also addresses domestic technology transfer as an active effort to foster additional benefits of Army technology and technical expertise. It is not directed toward technology transfer as the movement of technology from one stage of development to the next, or from development to application in the primary military mission. Further, it is not directed toward international technology transfer or the unintentional passing of Army-developed technology to potential adversary recipients.

1–2. References

Required and related publications are listed in appendix A.

1–3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

Section II
Responsibilities

1–4. The Assistant Secretary of the Army (Research, Development and Acquisition)

The Assistant Secretary of the Army (Research, Development, and Acquisition) (ASA(RDA)) is delegated all the authorities provided to the Head of the Agency by 15 USC 3701 et seq., and is responsible for establishing and ensuring the execution of policies for the ADTTP. The ASA(RDA) or the Deputy for Research and Technology, acting for the ASA(RDA), will—

a. Establish policies and procedures for the ADTTP.

b. Specify Army laboratories and centers which conform to the definition of a laboratory in the law and therefore, must establish an Office of Research and Technology Applications (ORTA), or equivalent organizational element; and specify those laboratories or centers that require at least a full-time equivalent position to be responsible for performing the ORTA functions which will include any laboratory or center having 200 or more full-time equivalent professional scientific, engineering or related technical personnel.

c. Delegate the authority to enter into Cooperative Research and Development Agreements (CRDAs) and to license, assign or waive rights to intellectual property to the Heads of the Technology Developing Agencies for redelegation to the Commanders or Directors of specified laboratories and centers.

d. Review, or have reviewed on their behalf, all signed CRDAs, except those developed under the Corps of Engineers Construction Productivity Advancement Research (CPAR) Program, and all Patent License Agreements (PLAs) within 30 days of submission for conformance to Army policy and interests.

e. Establish an archival file of all Army CRDAs and PLAs and assure maintenance of these records.

f. Cooperate with other Federal agencies to maximize the effectiveness of Federal domestic technology transfer efforts and assure adequate Army representation on interagency groups concerned with technology transfer.

g. Transfer to the National Institute of Standards and Technology (NIST) for use by the Federal Laboratory Consortium (FLC) on an annual basis, an amount equal to eight thousandths of one percent (0.008%) of all Program 6 "Research and Development" resources, as defined in the DOD Planning, Programming, and Budget System, that are allocated to the Army laboratories and centers (the intramural performers) as required by DOD 3200.12–R–4.

1–5. The Commanding General, Army Materiel Command

The Commanding General, Army Materiel Command (CG, AMC) or the Deputy Chief of Staff for Technology Planning and Management (DCSTPM) acting for the CG, AMC, will establish the position of the ADTTP Manager and provide organizational support, including appropriate legal and Resource Management functions, and program oversight on behalf of the ASA(RDA).

1–6. The Army Domestic Technology Transfer Program Manager

The ADTTP Manager will perform the following on behalf on the ASA(RDA):

a. Monitor the ADTTP and levels of effort of all Army specified laboratories and centers.

b. Provide policy guidance on domestic technology transfer to the Technology Developing Agencies and their specified laboratories and centers; and coordinate and support the activities of all Army ORTAs.

c. Serve as the Army Agency representative to the FLC, as the official Army liaison on domestic technology transfer with DOD and other agencies, as the Army representative in the Executive Working Group of the Interagency Committee on Federal Laboratory Technology Transfer, and otherwise represent the Army in matters concerning domestic technology transfer as required.

d. Coordinate review of all signed Army CRDAs, except those developed under the Corps of Engineers CPAR Program, and all PLAs within 30 days of submission with advice from the Intellectual Property Counsel of the Army (JALS–IP), and provide review for conformance with Army policy and interests on behalf of the ASA(RDA); and, if necessary, disapprove or require modification to achieve conformance.

e. Receive copies of all Army CRDAs and PLAs upon execution and maintain an archival file of these on behalf of the ASA(RDA).

f. Administer the collection and distribution of royalties and other income from licensing under Army domestic technology transfer activities according to AR 37–1 and this regulation.

g. Collect information as needed, establish and maintain a data base to allow evaluation of program activity and effectiveness, and provide routine and special reports.

1–7. The Intellectual Property Counsel of the Army

The Intellectual Property Counsel of the Army (JALS–IP) is responsible for the legal review of all CRDAs and PLAs on behalf of the ASA(RDA) within the 30-day review period.

1–8. Commanders of Major Commands and other Heads of Technology Developing Agencies

a. The CG, AMC; The Surgeon General; the Chief of Engineers; the CG, Strategic Defense Command; the CG, Information Systems Command; and the Deputy Chief of Staff for Personnel will assure the execution within their organizations of the policies set forth in this regulation. These Commanders of Major Commands and other Heads of Technology Developing Agencies will delegate to the

Directors and Commanders of their specified laboratories and centers, the authority to—

(1) Enter into CRDAs.

(2) License, assign or waive rights to intellectual property developed by their organizations.

b. These Heads will exercise these authorities themselves, as needed, to execute a CRDA on behalf of several of their specified laboratories and centers or to license intellectual property created in their Command but not associated with a particular laboratory or center. The Chief of Engineers will ensure that copies of all CPAR agreements, which are not subject to review and coordinated by the ADTTP Manager, are sent to the ADTTP Manager for record keeping as required by the law. All Heads of Technology Developing Agencies will designate a point of contact for domestic technology transfer at their Headquarters. Designees will provide a chain of communications; monitor and support program performance in their Command; support the ADTTP Manager in coordinating the programs of R&D activities under their Command; and ensure execution of stated Army policies.

1–9. Commanders or Directors of specified laboratories and centers

Each Commander or Director of an Army laboratory; Research, Development and Engineering Center; or other R&D activity specified as a laboratory or center for domestic technology transfer by the ASA(RDA), is responsible for accomplishing active technology transfer to the civilian sector from their respective laboratory or center, including providing technical assistance to State and local governments and cooperating in technology development with private sector and civilian public sector organizations. The Commanders and Directors of all specified laboratories and centers are delegated the authority to enter into CRDAs and to license, assign or waive rights to intellectual property created in their organizations and are responsible for carrying out the policies specified by law and DOD 3200.12–R–4, as set forth in this regulation. Specifically, the Commander or Director of each specified laboratory or center identified by the ASA(RDA) will—

a. Establish a staff-level ORTA, or equivalent identifiable organizational element, adequately staffed and funded to execute the policies and perform the functions required by law as specified in this regulation.

b. Specify a professional individual to be responsible for managing the domestic technology transfer activities of the laboratory or center, and for accomplishing the functions of the ORTA specified in this regulation.

c. Assure that at least one full-time equivalent position be devoted to the performance of the ORTA functions if the specified laboratory or center has 200 or more full-time equivalent professional scientific, engineering, and related technical personnel.

d. Include goals for, and objectives of, technology transfer in the performance standards of the senior technical managers of the activity and assure that transfer efforts are considered positively in job descriptions, promotion policies, and evaluations of the job performance of scientists and engineers.

e. Encourage the establishment of a Technical Volunteer Service (TVS) and participation by technical staff in the volunteer program to support technical assistance to State and local governments and local educational organizations.

f. Make available adequate funds for support of the ORTA activities, for services of partnership intermediaries, and for in-kind contributions to CRDAs equal to not less than one-half of one percent (0.5%) of the funds obligated internally for R&D by the laboratory or center.

1–10. The Head of the Office of Research and Technology Applications

The Head of each ORTA or equivalent organization in each specified laboratory or center is responsible for managing the domestic technology transfer activities of the laboratory or center including establishing cooperative R&D, licensing intellectual property, and providing technical assistance. The Head of each ORTA will—

a. Prepare an application assessment of selected R&D projects that have potential commercial applications.

b. Provide and disseminate information on Federally-owned or Federally-originated products, processes, and services having potential application to State and local governments and to private industry.

c. Cooperate with and assist the FLC, the National Technical Information Service (NTIS), and other organizations that link the R&D resources of that activity, and the Federal Government as a whole, to potential users in State and local government and United States private industry.

d. Provide technical assistance to State and local government.

e. Participate in regional, State, and local programs designed to facilitate or stimulate the transfer of technology for the benefit of the region, State or local jurisdiction in which the activity is located.

f. Provide laboratory representation and support to the FLC.

g. Participate in appropriate activities of the public and private sector that provide the opportunities to achieve technology transfer objectives and support them commensurate with other participants; for example, local government meetings, small business conferences, and local economic development organizations.

h. Assist program managers and technical Department Heads in identifying technologies suitable for transfer and for which application assessments need to be developed.

i. Identify, with the patent counsel supporting the activity, patents and patent applications for which notification of availability for exclusive licensing is required by law and publicize such availability.

j. Coordinate domestic technology transfer activities with patent counsel to determine rights to technical data, patent and licensing implications, and the commercial potential of patentable technology.

k. Ensure that no domestic technology transfer activities substantially compete with services available in the private sector.

l. Ensure that no domestic technology transfer activities conflict with export control regulations; policies governing militarily critical technology; or any of the responsibilities and procedures for technology transfer control in DOD directives, instructions, and publications.

Chapter 2
Domestic Technology Transfer Policy

2–1. Active domestic technology transfer

DA policy is to strongly support domestic technology transfer as an integral part of the R&D effort, and to require active technology transfer from all appropriate R&D activities, consistent with the military mission. The Commanders or Directors of specified Army laboratories and R&D centers have the responsibility and the authority to enter into CRDAs with both public and private sector organizations; to license, assign or waive rights to intellectual property developed by their activity; and to support active marketing and assistance by their laboratories or centers, including participation in economic development organizations, contracting with partnership intermediaries, and providing technical assistance to State and local governments and local educational systems.

2–2. Funding at specified laboratories and centers

Adequate funding shall be made available to execute plans for active transfer by Army and its specified laboratories and centers. At each specified laboratory or center, funding equal to, not less than one-half of one percent (0.5%) of the funds obligated internally for R&D is provided as guidance for overhead expenditures for the ORTA, for services of partnership intermediaries, and for the cost of efforts contributed to cooperative R&D.

2–3. Office of Research and Technology Applications staffing

Specified laboratories and centers of the Army shall establish an ORTA, or equivalent organizational element, adequately staffed, to plan and execute a domestic technology transfer program on behalf of the Commander or Director to include, but not be limited to—

a. The assessment and marketing of potentially transferable technology.

b. The establishment, negotiation, and management of cooperative R&D under CRDAs.

c. The negotiation of licenses for intellectual property developed by the activity.

d. The representation of the activity in Regional, State, and local economic development organizations.

e. The participation of the activity in the FLC.

f. The arrangement of technical assistance to local governments and school systems.

2–4. Office of Research and Technology Applications related to technical staff size

Specified laboratories and centers with 200 or more full-time technical staff shall provide at least one full-time equivalent to staff the ORTA. Army guidance requires at least one individual professional assigned full-time to the ORTA, unless there are unusual circumstances such as multiple geographic locations of the technical staff which must be supported. ORTA staffing in activities with less than 200 full-time technical staff shall be adequate to accomplish the transfer of mission technology. In activities with less than 200 full-time equivalents of technical staff, the level of effort devoted to the ORTA is expected to be at least proportional to the number of the technical staff.

2–5. Professional performance and awards

Domestic technology transfer and the dissemination of scientific and technological information, consistent with mission responsibilities, is a responsibility of each laboratory and R&D center science and engineering professional. Furthermore, each laboratory and R&D center Commander or Director shall ensure that accomplishments in domestic technology transfer are included in the performance standards of senior technical managers and are considered positively in laboratory job descriptions, employee promotion policies, and evaluation of the job performance of scientists and engineers. Further, it is Army policy to provide incentive awards to employees according to AR 672–20 for domestic technology transfer accomplishments.

2–6. Cooperative Research and Development Agreements

R&D efforts under CRDAs shall be consistent with the missions of the laboratory, but it is not required that the activity receive direct benefit from the effort other than the transfer of its technology to the marketplace. Special consideration shall be given to entering into CRDAs with small business firms and consortia involving small business firms, as well as to businesses located in the United States or those which agree that products embodying inventions made under the CRDA or produced through the use of such inventions will be manufactured substantially in the United States. Commanders or Directors shall apply principles of fairness and sound judgment in the selection of parties with whom to enter into CRDAs. Competitive procedures normally associated with awards of procurement contracts need not be applied to CRDAs.

2–7. Cooperation with the Small Business Innovation Research Program

Army policy is for the ADTTP to cooperate with the Small Business Innovation Reserach (SBIR) Program, to perform outreach jointly with SBIR outreach, and to offer technical assistance and opportunities for CRDAs to the technology-oriented small businesses in the SBIR constituency. In particular, companies in SBIR should be provided technical information from the laboratory network to help them succeed; and companies at the end of Phase II of the SBIR Program, should be provided the opportunity to enter into a CRDA with the appropriate Army activity to support the commercialization of the company's technology and transition into Phase III, as well as allowing the commercialization of related technology from the Army activity.

2–8. Transfer to foreign companies

The execution of CRDAs or PLAs with foreign-owned companies is not precluded, but when entering into CRDAs with foreign entities, the activity Commander or Director shall, in consultation with the Office of the United States Trade Representative if needed, consider whether such entities permit and encourage U.S. participation on a comparable basis, whether those foreign governments have policies which protect U.S. intellectual property rights, and whether those foreign governments have adopted adequate measures to prevent the transfer of strategic technology to destinations prohibited under National security export controls through the Coordinating Committee for Multilateral Export Controls (COCOM) or through other international agreements to which the United States is a signatory.

2–9. Distribution of royalties and other income

CRDAs and PLAs will include instructions for the payment of royalties and other payments to the Army according to AR 37–1. Distribution of royalties and other incomes from licensing received by the Army from these agreements, shall be managed by the ADTTP Manager. If income received by the Army is less than one thousand (1,000) dollars times the number of inventors, the eligible Army inventor(s) shall receive the entire amount of income in equal shares. If the income received by the Army is greater than one thousand (1,000) dollars times the number of Army inventors, the eligible inventor(s) shall share equally twenty percent (20%) of the total income or one thousand (1,000) dollars each, whichever is greater. Each calendar year, payments up to one hundred thousand (100,000) dollars may be made to each of the inventors of Army intellectual property according to the law, DOD 3200.12–R–4, and AR 37–1. The residual funds (if any) will be distributed per AR 37–1, such that the majority will be sent to the activity where the intellectual property was developed and the remaining percentage of the residual money will be distributed (at the discretion of the ADTTP Manager) to any Army R&D activity making a request for funding for authorized purposes which will strengthen its program. Any laboratory or center receiving any portion of royalties or other income from technology transfer activities is constrained to use these funds during the fiscal year in which the funds are received by the laboratory or the following fiscal year for the purposes specified in this regulation, according to 15 USC 3710c(a)(1)(B).

2–10. Technical Volunteer Service

It is Army policy to encourage and cooperate with the establishment of a TVS at each specified laboratory and center, or at a group of co-located activities, as a resource to complement and support technical assistance to State and local governments and local educational systems. When needed actual volunteer activities may be accomplished in duty-hours with management and volunteer agreement that there will be no adverse effect on that quality or timeliness of mission work.

2–11. Participation in the Federal Laboratory Consortium

It is DA policy for the agency and its specified laboratories and centers to support and participate in the FLC. In addition to the agency providing annually, an amount equal to eight thousandth of one percent (0.008%) of the R&D laboratory budget (as defined in DOD 3200.12–R–4) to the NIST for use by the FLC, and formal membership in FLC (according to 15 USC 3710(e)(2)), representatives of the agency and its laboratories and centers will actively participate in, and contribute reasonable effort to, the management of the FLC, its committee and task force activities, its networking for referral, and its National and regional outreach activities and meetings. The marketing of laboratory technology and other program outreach is enhanced by having the Army laboratories and centers function as a sub-network of the FLC.

2–12. Competition with private enterprise

In the execution of the ADTTP, appropriate care will be taken to avoid actions which might create the appearance of undue influence over, or competition with, private enterprise and the free operation of the economy.

2–13. Conformance with security and other regulations

Managers at all levels will ensure that actions taken under the ADTTP do not conflict with export control regulations policies governing militarily critical technology; policy requirements for recouping DOD non-recurring costs; or any of the responsibilities and procedures for technology transfer control in DOD Directives, instructions, and publications.

Chapter 3
Principles for Program Management

Section I
Principles for Office of Research and Technical Applications Operations

3–1. Concept

a. The intent of National policy on technology transfer from Federal laboratories is to increase both the speed and the extent of applications in the domestic economy of the technological resources of Federal laboratories and R&D centers. Thus, greater payback for the investment in Army R&D is sought through more rapid and diverse spin-off of Army-developed technology for new and improved products and processes which will allow U.S. industry to achieve a better competitive position. Greater payback is also sought through the use of Army expertise to improve the cost-effectiveness of services provided to the public by State and local governments.

b. Another aspect of technical cooperation and help for State and local government which can significantly impact U.S. competitiveness is working with non-Federal programs to help expanding small businesses and helping to improve education in science and technology, thereby providing for a better prepared future workforce. The legislative and executive orders which are the major expression of this policy recognize that the transfer of technology and the effective sharing of scientific and technological expertise for economically valuable application require flexible person-to-person cooperative relations at the working level, in both the transferring and the receiving organization. Because of this recognition, the law requires an approach which is decentralized to the laboratories and centers, and which establishes a "marketing department" called the ORTA at each activity. Further, laboratories and centers must be responsive to non-Federal public sector and private sector clients who seek Federally-developed technology. The ORTA at each activity, as with any high tech marketing department, must not only make potential clients aware of their technology, but of the value to the client of adopting the technology. Further, in order to accomplish technology transfer or provide effective technical assistance services, the ORTA must understand and appreciate issues related to commercial markets, as well as organizational resistance to change which often surface during the adoption of technological innovations.

3–2. Technology applications assessment

The assessment of laboratory or center technology is a process involving the continual interaction of ORTA staff with the scientists and engineers in the activity, as well as the review of patent applications and other documents presenting mission project progress and results. This continuing process will result in a knowledge base which the ORTA can use to respond to inquiries and unanticipated application opportunities defined by potential clients. The process will also provide the knowledge used to generate the "application assessment" documents noted in the legislation. These application assessments are a summary of laboratory or center technologies which show potential civilian or dual-use applications, or range of applications. Such summaries, or adaptations of them, should be submitted to NTIS, and otherwise widely disseminated, as a part of the marketing effort. Formal assessment documents should be prepared for technology meeting either of two criteria: First, the technology is representative of the capabilities of the activity and may be used to illustrate these capabilities meaningfully to potential civilian collaborators or potential clients for technical assistance; or second, the technology is judged to have a clear, economically significant, civilian application for which it can be marketed.

3–3. Office of Research and Technology Applications marketing strategies

a. For the ORTA, there are two types of marketing efforts to pursue. The first of these is principally marketing the service of technology transfer. Although marketing the service will primarily result in technical assistance efforts and frequent referral to other laboratories, potential users become more aware that Federal activities have valuable technology which is available, and this causes clients to seek technological solutions to existing problems in the commercial world. This creates what is called a "technology pull" which draws technology from the laboratory to an application which is largely defined by the client. If an inquiry matches the capability of the laboratory or center, the transfer of its technology may take place. If the inquiry is outside the technical area of the particular laboratory or center, an efficient referral to other Army activities, or to other laboratories through the FLC, will enhance the reputation of the activity and increase its visibility in marketing its own technology.

b. The second type of marketing effort for the ORTA is to obtain adoption of specific technology, known as "technology push". The ORTA, and others familiar with the technology, may realize the commercial or public importance of a technology, but must find an appropriate collaborator or adopter for its application. In this case, the ORTA, and probably the technology developer within the laboratory or center, must seek to understand the application environment and develop an approach which has credibility with potential users. If the "tech briefs" and other material are crafted for the potential users, distribution of this material, and announcements in trade publications as well as presentations at trade shows, technical symposia, technology transfer conferences, and trade association meetings may attract interested collaborators and licensees. Various data bases may also be used to identify and target organizations which might adopt the technology.

3–4. Technical assistance and organizational outreach

a. Technical assistance services, including help by technical volunteers, must be marketed to State and local governments and school systems to make the officials in these organizations aware of the service and how it can help them. There are a number of ways in which Army laboratories and centers may provide direct technical assistance to non-Federal government agencies, especially local governments. These include problem analysis, providing and interpreting technical information, "hands-on" technical help from laboratory volunteers, and limited projects in the laboratory or center on a problem, when this does not compete with available private sector services.

b. In a number of cases, help by the laboratory to demonstrate the value of a technology, followed by help in transitioning to support by a private contractor, provides the basis for new or expanded commercial activity. As examples, areas in which direct technical assistance might be provided include, but are certainly not limited to, police communications, corrosion prevention, computerization, environmental assessment and pollution control, and training in logistics and maintenance.

c. In regard to school systems, assistance can be help for the system operation, as with computer networking or advice on bus maintenance, or it can be help to teachers and students to improve science and technology education.

d. Another kind of assistance to State and local governments is to help them help the businesses in their area. This is based on the

concerns of State governments, and many local governments, for economic development in their jurisdiction. These governments are sponsoring or convening organizations to help start new businesses and expand existing business. Laboratories and centers may pay for services from State and local government-related organizations, meeting the definition of a partnership intermediary, to help with transfer to small businesses. Further, the ORTAs can help evaluate technical aspects of new business proposals for governments and can serve as a technical resource to help businesses selected by State and local programs as being of value to the local economy.

e. Visibility, credibility, and understanding of the value of the laboratory or center and its technology are enhanced by this participation and positive interaction with the local community. Outreach to regional, State and local organizations should be planned and carefully maintained because the benefits are long-term. Also, such interactions must be pursued with sensitivity to local issues and possible conflicts between various local organizations.

3–5. Training and rewarding laboratory staff

Although technology transfer and the provision of technical assistance are planned and organized by the ORTA, the laws and Army policy make them the responsibility of every technical staff member and their active participation is essential to an effective program. The technical staff are the front line in the assessment process, and the experts in adapting the technology for commercial application and providing technical assistance. They are the volunteers. It is thus essential that they be carefully informed by the ORTA about the new mandate and authorities, and trained in their responsibilities. The requirements for cooperation with the private sector and providing help to non-Federal agencies represent a change in the culture in most Army R&D activities. There is the possibility of royalties for licensed intellectual property and technical staff people must understand that action leading to possible transfers are encouraged and rewarded by their organization. At a minimum, transfer objectives should be included in the performance standards of technical managers of major technology producing programs. Incentive awards for accomplishments in domestic technology transfer and technical assistance should be provided under AR 672–20.

Section II
Participation in the Federal Laboratory Consortium

3–6. Federal Laboratory Consortium background

The FLC for Technology Transfer began as an informal association of DOD laboratories in 1971, was expanded to include all Federal laboratories in 1974, and was finally chartered by Congress as a part of the 1986 legislation. The Consortium members are the Federal laboratories and centers. Army has been a strong participant since the beginning, and active participation in the FLC by Army laboratories and centers has been required by regulation since 1983. As a convener of those from all sectors concerned with Federal laboratory technology transfer, the FLC has been a significant force in achieving consensus on the value of the effort and the most effective approaches.

3–7. Federal Laboratory Consortium purposes

The Consortium has three principal purposes which are—

a. Providing a forum for the development of consensus and the exchange of ideas on the best approaches to technology transfer.

b. Performing a National outreach on behalf of all Federal laboratories and increasing the awareness of the potential value of Federal laboratory technology.

c. Providing a National referral network to allow potential users to gain access to any Federal technology, by contacting any activity of which they become aware.

3–8. Federal Laboratory Consortium activities

The FLC has funds for special demonstration projects and for some administrative support. However, the development of general outreach, the organization of interactions with various constituent groups, the development of training of broad interest and, in particular, the functions of the referral network depend upon the contributed efforts of the representatives. It is Army policy for Army laboratories and centers to function collectively as a sub-network of the FLC. This provides a service to potential clients which can enhance the image of the Army among many important constituents. By providing efficient referral, if the contacted activity does not have the technology, Army activities become the first choice to call for assistance, and thus, have the first opportunity to transfer their technology. Beyond this, participation in FLC meetings and working groups at both the regional and National level provide unparalleled opportunities for Army representatives to interact with important representatives of client groups, which provide marketing contacts, and with innovators in the transfer process, who can provide insight for improving Army transfer efforts.

Section III
Establishing Cooperative Research and Development Agreements

3–9. The value of cooperative efforts

The establishment of cooperative R&D efforts has the greatest possibility of long-term payoff of any transfer mechanism. The intimate working relationship will allow Federal scientists and engineers to understand the commercial needs and also allow a reverse flow of ideas into the laboratory mission effort. The ORTA effort to establish CRDAs must, of course, be prioritized and emphasize two main characteristics. First, CRDAs should be established to develop technology with an obvious value either in commercial application for U.S. competitive position or in application for the public good, as in health or pollution control. Second, CRDAs should be sought in technology areas of strategic importance to the laboratory or center. These CRDAs should be sought with innovative and entrepreneurial organizations which can succeed in taking Federal technology to a competitive market and which can have a great potential to inspire innovation in the mission work.

3–10. Resources for cooperative efforts

Resources for Army contributions to CRDA efforts should be guided by the expectation that at least 0.5% of the R&D budget of the activity should be expended on domestic technology transfer. This cost is the sum of the ORTA funding, plus in-kind contributions to the execution of CRDAs. Any funds paid to an Army laboratory under the terms of a CRDA (other than those paid for patent licenses) for special services, such as use of highly specialized equipment, utility costs, labor, etc., shall be made directly to the laboratory.

3–11. Technology transfer through intellectual property rights

As with any R&D effort, a cooperative research and development project is likely to create intellectual property such as patents, copyrights, and technical data. It is important for the parties to the agreement to have a clear understanding as to how those intellectual property rights will be allocated. The allocation of intellectual property rights should be structured so as to achieve the goal of transferring technology from the Army laboratory to the private sector. That goal is most likely to be achieved when intellectual property rights are placed in the hands of the private sector, when the private sector is given some measure of exclusivity for a reasonable period of time, and for specified fields of use or market segments.

3–12. Licensing background patents

In the case of patents, it is necessary to consider background patents as well as patents which might arise out of the cooperative effort. Background patents are those which pre-exist the cooperative effort. If they dominate the technology being developed, background patents owned by the Government should be licensed, possibly on an exclusive basis, to the collaborator. The procedures defined in Section IV for licensing of Army-owned patents, including the public notice requirements, must be followed if background patents are to

be licensed on an exclusive basis. Background patents owned by the collaborator ordinarily need not be licensed to the Government. However, when the Government's contribution is expected to be large, and when the developed item is likely to be needed for Governmental purposes, a license for the Government to use the background patent on a royalty-free basis should be negotiated.

3–13. Allocation of intellectual property rights

During the course of a cooperative effort, patentable inventions or other intellectual property may be developed by the Government, by the collaborator, or jointly. Each of these situations must be covered in the agreement. In the case of inventions made by Government personnel, Commanders or Directors are authorized to license, assign or waive the Government's rights to those inventions. Because the Government desires some control over the development of inventions, and because the Government is interested in having inventions be made available to the public on reasonable terms and conditions, exclusive licensing rather than assigning or waiving the Government's rights, is the preferred method of transferring the technology to the private sector. In return for exclusivity, the Government may expect to receive reasonable royalty payments. Title to inventions made by collaboratory personnel should be retained by the collaborator, subject to a non–exclusive royalty–free license to the Government. Absent unusual circumstances, the collaborator should not be required to pay royalties to the Government on inventions, copyrights, or technical data developed by collaborator personnel. In the case of inventions or other intellectual property developed jointly by Government and collaborator personnel, the collaborator would normally assign its rights to the Government and the Government would, in turn, grant an exclusive license to the collaborator. Since both Government and collaborator personnel were jointly involved in the development of the intellectual property, the royalty to the Government, if any, may be nominal. Agreements should be negotiated in a manner serving the U.S. public interest and realizing that transfer to a successful commercial product or process may serve that public interest more than maximum near-term payback to the Army activity.

Section IV
Licensing of Government-Owned Inventions

3–14. Authority to grant licenses

This section prescribes the terms, conditions and procedures upon which an existing Army laboratory invention may be licensed by the laboratory Director. The authority for this section is found at section 404, title 37, Code of Federal Regulations (37 CFR 404). Army laboratory inventions shall be made available for licensing as deemed appropriate in the public interest. Army laboratories having custody of inventions may grant non-exclusive, partially exclusive, or exclusive licenses thereto under this regulation.

3–15. Restrictions and conditions on all licenses granted under this section

a. The following restrictions are placed on the granting of licenses:

(1) A license may be granted only if the applicant has supplied the laboratory Director with a satisfactory plan for development or marketing of the invention, or both, and with information about the applicant's capability to fulfill the plan.

(2) A license granting rights to use or sell under any Army laboratory invention in the United States, shall normally be granted only to a licensee who agrees that any products embodying the invention or produced through the use of the invention, will be manufactured substantially in the United States.

b. Licenses shall contain such terms and conditions as the laboratory Director determines are appropriate for the protection of the interests of the Federal Government and the public, and are not in conflict with law or this regulation. The following terms and conditions apply to any license:

(1) The duration of the license shall be for a period specified in the license agreement, unless sooner terminated according to this regulation.

(2) The license may be granted for all or less than all, fields of use of the invention or in specified geographical areas, or both.

(3) The license may extend to subsidiaries of the licensee or other parties if provided for in the license, but shall be non–assignable without approval of the laboratory Director, except to the successor or that part of the licensee's business to which the invention pertains.

(4) The license may provide the licensee the right to grant sublicenses under the license, subject to the approval of the laboratory Director. Each sub-license shall make reference to the license, including the rights retained by the Government, and a copy of such sub-license shall be furnished to the laboratory Director.

(5) The license shall require the licensee to carry out the plan for development or marketing of the invention, or both, to bring the invention to practical application within a period specified in the license, and to continue to make the benefits of the invention reasonably accessible to the public.

(6) The license shall require the licensee to report periodically on the utilization or efforts of obtaining utilization that are being made by the licensee, with particular reference to the plan submitted.

(7) Licenses may be royalty-free or for royalties or other consideration.

(8) Where an agreement is obtained pursuant to the above restriction that any products embodying the invention or produced through use of the invention will be manufactured substantially in the United States, the license shall recite such agreement.

(9) The license shall provide for the right of the laboratory Director to terminate the license, in whole or in part, if any of the following occurs:

(a) The laboratory Director determines that the licensee is not executing the plan submitted with its request for a license and the licensee cannot otherwise demonstrate to the satisfaction of the laboratory Director, that it has taken or can be expected to take within a reasonable time, effective steps to achieve practical application of the invention.

(b) The laboratory Director determines that such action is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license and such requirements are not reasonably satisfied by the licensee.

(c) The licensee has willfully made a false statement or willfully omitted a material fact in the license application or in any report required by the license agreement.

(d) The license commits a substantial breach of a covenant or agreement contained in the license.

(10) The license may be modified or terminated, consistent with this part, upon mutual agreement of the laboratory Director and the licensee.

(11) Nothing relating to the grant of a license, nor the grant itself, shall be construed to confer upon any person, any immunity from or defenses under the antitrust laws or from a charge of patent misuse, and the acquisition and use of rights pursuant to this part, shall not be immunized from the operation of state or Federal law by reason of the source of the grant.

3–16. Non-exclusive licenses

a. Non-exclusive licenses may be granted under Army laboratory-owned inventions without publication of availability or notice of prospective license.

b. In addition to the provisions of paragraph 3–15, non-exclusive licenses, may also provide that, after termination of a period specified in the license agreement, the laboratory or agency may restrict the license to the fields of use or geographic areas, or both, in which the licensee has brought the invention to practical application and continues to make the benefits of the invention reasonably accessible to the public. However, such restriction shall be made only in order to grant an exclusive or partially-exclusive license according to this regulation.

3–17. Exclusive and partially exclusive licenses

a. The following conditions must be met in granting exclusive or partially exclusive domestic licenses:

(1) Exclusive or partially exclusive domestic licenses may be granted on Army laboratory-owned inventions 3 months after notice of the invention's availability has been announced in the FEDERAL REGISTER, or without such notice where the laboratory Director determines that expeditious granting of such a license will best serve the interest of the Federal Government and the public; and in either situation, only if;

(a) Notice of prospective license, identifying the invention and the prospective licensee, has been published in the FEDERAL REGISTER, providing opportunity for filing written objections within a 60-day period.

(b) After expiration of the 60-day period noted above and consideration of any written objections received during the period, the laboratory Director has determined that the interests of the Federal Government and the public will best be served by the proposed license, in view of the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public; that the desired practical application has not been achieved, or is not likely expeditiously to be achieved, under any non-exclusive license which has been granted, or which may be granted, on the invention; that exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the investment of risk capital and expenditures to bring the invention to practical application or otherwise promote the invention's utilization by the public; and that the proposed terms and scope of exclusivity are not greater than reasonably necessary to provide the incentive for bringing the invention to practical application or otherwise promote the invention's utilization by the public.

(c) The laboratory Director has not determined that the grant of such a license will tend substantially to lessen competition or result in undue concentration in any section of the country in any line of commerce to which the technology to be licensed relates, or to create or to maintain other situations inconsistent with the antitrust laws.

(d) The laboratory Director has given first preference to any small business firms submitting plans that are determined by the laboratory to be within the capabilities of the firms and as equally likely, if executed, to bring the invention to practical application as any plans submitted by applicants that are not small business firms.

(2) In addition to the provisions of paragraph 3–15, the following terms and conditions apply to domestic exclusive and partially exclusive licenses:

(a) The license shall be subject to the irrevocable, royalty-free right of the Government of the United States to practice and have practiced, the invention on behalf of the United States and on behalf of any foreign government or international organization pursuant to any existing or future treaty or agreement with the United States.

(b) The license shall reserve to the laboratory Director, the right to require the licensee to grant sub-licenses to responsible applicants, on reasonable terms, when necessary, to fulfill health or safety needs.

(c) The license shall be subject to any licenses in force at the time of the grant of the exclusive license.

(d) The license may grant the licensee the right of enforcement of the licensed patent pursuant to the provisions of 35 USC 281 et seq., or other statues, as determined appropriate in the public interest.

b. The following conditions must be met in granting foreign exclusive or partially exclusive licenses:

(1) Exclusive or partially exclusive licenses may be granted on any Army laboratory-owned invention covered by a foreign patent, patent application, or other forms of protection, provided that—

(a) Notice of a prospective license, identifying the invention and prospective licensee, has been published in the FEDERAL REGISTER, providing opportunity for filing written objections within a 60-day period and following consideration of such objections.

(b) The laboratory Director has considered whether the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

(c) The Federal agency has not determined that the grant of such a license will tend substantially to lessen competition or result in undue concentration in any section of the United States, in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with antitrust laws.

(2) In addition to the provisions of paragraph 3–15, the following terms and conditions apply to foreign exclusive and partially exclusive licenses:

(a) The license shall be subject to the irrevocable, royalty-free right of the Government of the United States, to practice and have practiced, the invention on behalf of the United States and on behalf of any foreign government or international organization pursuant to any existing or future treaty or agreement with the United States.

(b) The license shall be subject to any licenses in force at the time of the grant to the exclusive or partially exclusive license.

(c) The license may grant the licensee the right to take any suitable and necessary actions to protect the licensed property, on behalf of the Federal Government.

c. Laboratory Directors shall maintain a record of determinations to grant exclusive or partially exclusive licenses.

3–18. Applications for a license

An application for a license should be addressed to the laboratory Director having custody of the invention and shall normally include the following:

a. Identification of the invention for which the license is desired including the patent application serial number or patent number, title, and date, if known.

b. Identification of the type of license for which the application is submitted.

c. Name and address of the person, company, or organization applying for the license and the citizenship or place of incorporation of the applicant.

d. Name, address, and telephone number of the representative of the applicant whom correspondence should be sent.

e. Nature and type of applicant's business, identifying products or services which the applicant has successfully commercialized, and approximate number of applicant's employees.

f. Source of information concerning the availability of a license on the invention.

g. A statement indicating whether the applicant is a small business firm.

h. A detailed description of applicant's plan for development or marketing of the invention, or both, which include the following:

(1) Statement of the time, nature, and amount of anticipated investment of capital and other resources which applicant believes will be required to bring the invention to practical application.

(2) A statement as to applicant's capability and intention to fulfill the plan, including information regarding manufacturing, marketing, financing, and technical resourcing.

(3) A statement of the fields of use for which applicant intends to practice the invention.

(4) A statement of geographic areas in which applicant intends to manufacture any products embodying the invention and geographic areas where applicant intends to use or sell the invention, or both.

i. Identification of license previously granted to applicant under Federally-owned inventions.

j. A statement containing applicant's best knowledge of the extent to which the invention is being practiced by private industry or Government, or both, or is otherwise available commercially.

k. Any other information which applicant believes will support a determination to grant the license to applicant.

3–19. Notice to Attorney General

A copy of the notice of prospective license, as published in the Federal Register, for all instances as required by in paragraph 3–13, will be sent to the Attorney General.

3–20. Modification and termination of licenses

Before modifying or terminating a license, other than by mutual agreement, the laboratory Director shall furnish the licensee and any sub-licensee of record, a written notice of intention to modify or terminate the license, and the licensee and any sub-licensee shall be allowed 30 days after such notice to remedy any breach of the license or show cause why the license shall not be modified or terminated.

3–21. Appeals

The following parties may appeal to the ASA(RDA) any decision or determination made by the laboratory Director concerning the grant, denial, interpretation, modification, or termination of a license:

a. A person whose application for license has been denied.

b. A licensee whose license has been modified or terminated, in whole or part.

c. A person who timely filed a written objection in response to the notice required by paragraph 3–17, and who can demonstrate to the satisfaction of the ASA(RDA) that such person may be damaged by the laboratory Director's action.

3–22. Protection and administration of invention

A laboratory Director may take any suitable and necessary steps to protect and administer rights to Army laboratory inventions, either directly or through contract.

3–23. Transfer of custody

An Army organization having custody of an Army-owned invention may transfer custody and administration, in whole or in part, to another Army organization.

3–24. Confidentiality of information

Any plan submitted pursuant to paragraph 3–18, and any report required by paragraph 3–15, may be treated by the laboratory Director as commercial and financial information obtained from a person as privileged and confidential and not subject to disclose.

3–25. Royalty rate determination

Reasonable royalty rates should be estimated based on the best commercial licensing practice and negotiated to best accomplish the success of the transferred product or process in the marketplace. The advice of local or assigned intellectual property counsel should be sought in negotiating reasonable royalties.

Section V
Army Review of Agreements

3–26. Review authority

As required by Executive Order 12591, the authority to enter into CRDAs and to license, assign or waive rights to intellectual property developed by the laboratories or centers, either under such CRDAs or from within individual activities, has been delegated to the Commanders/Directors of specified Army laboratories and centers. The authority to disapprove or require modification to the arrangements identified above is retained by the ASA(RDA) as provided by 15 USC 37 10a(c)(5)(A).

3–27. Army review process for Cooperative Research Development Applications and Patent License Agreements

To allow the timely development of CRDAs and PLAs, the following guidelines are provided:

a. CRDAs and PLAs will be developed by each activity Commander/Director with advice from the intellectual property counsel for the laboratory or center.

b. The final negotiated version of the CRDA or PLA as signed by the activity Commander/Director, will be provided with a cover sheet having the following information:

(1) Name of company(ies) with which agreement was made.

(2) Name, address, and telephone number of company POC.

(3) Name, address, and SSN of inventor(s) (for PLAs only).

(4) Name and phone number of laboratory POC.

(5) Name and phone number of legal counsel for laboratory.

(6) Summary of agreement stating specifically the contributions of each side and noting any unusual provisions.

c. The original and two copies of the completed CRDA or PLA (with cover sheets) will be prepared by the laboratory or center. The original will be sent to the ADTTP Manager, U.S.Army Laboratory Command, ATTN: AMCLD–TT, 2800 Powder Mill Road, Adelphi, Md. 20783–1145, where its receipt will be logged on behalf of the ASA(RDA). The review will be coordinated and records of each original CRDA and PLA will be maintained for the Army. At the same time one copy will be sent to the ASA(RDA), The Pentagon, Washington, DC 20310–0103, and the other copy will be sent to the Intellectual Property Counsel of the Army, Office of the Judge Advocate General, 5611 Columbia Pike, Falls Church, VA 22041–5013, for review.

d. The Program Manager, after assuring receipt of copies by each reviewer, will acknowledge the receipt of each agreement by a letter to the activity stating a control number and receipt date which officially begins the 30-day period during which the agreement may be disapproved or modified.

e. The Intellectual Property Counsel will provide legal review and comments to the Program Manager within 21 days of the receipt date.

f. The Program Manager will provide a review of the CRDA or PLA for Army policy issues, along with the report of legal findings from the Intellectual Property Counsel and, based on all recommendations, will provide a letter for ASA(RDA) to notify the laboratory or center of the approval or disapproval of the agreement or of any modifications required.

Section VI
Royalties and Other Income

3–28. Management of royalties and other income

The amount, payment schedule, and address to receive payments for the payment of royalties and other funds from licensing to the Army under CRDAs and PLAs, will be specified in those agreements according to AR 37–1 and its amendments. The use of initial and final payments, the beginning of scheduled payments, and any other payment factors not specified in this regulation or in AR 37–1 and its amendments, are left to the discretion of the ORTA in negotiating the agreement. Agreements must also specify that a report identifying the agreement and stating the manner in which the amount of the funds was calculated, should be sent with the payment, with copies provided to the ADTTP Manager and the ORTA of the activity responsible for the agreement. The ADTTP Manager is responsible for the distribution of the funds received by the supporting financial office specified in AR 37–1 or its amendments. Funds are first set aside for the holders of intellectual property according to the law and DOD 3200.12–R–4; and residual funds (if any) will be distributed by the ADTTP Manager per AR 37–1 and its amendments. Any specified percentage of these residual funds not sent to the activity originating the intellectual property, will be distributed to Army activities which have comparatively few agreements and have requested the funds to strengthen their program. Such remaining residual funds will be distributed at the discretion of the ADTTP Manager based on need and available funds. Funds may be used as specified in this regulation.

3–29. Uses of royalty income

As required by law, any portion of the royalties or other income distributed to the laboratories or centers by the ADTTP Manager may be used by them in the fiscal year they are received by the laboratory or center, or in the next fiscal year, after which funds are paid into the U.S. Treasury. Any laboratory or center receiving any portion of royalties or other income from technology transfer activities is constrained by the law to use the funds for the following purposes:

a. Payment of expenses incidental to the administration and license of inventions by that laboratory or by the agency with respect

to inventions which occurred at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for invention management and licensing services.

b. Reward scientific, engineering, and technical employees of that laboratory.

c. Further scientific exchange among the Government-operated laboratories of the agency.

d. Education and training of employees consistent with the R&D mission and objectives of the agency, and for other activities that increase the licensing potential for transfer of the technology of the Government-operated laboratories of the agency.

Chapter 4
Reports

4–1. Annual report to Congress

As required by law, the Army will report through the Office of Management and Budget (OMB) to the Congress each year (as a part of the annual budget submission) on the domestic technology transfer accomplishments of the agency and its specified laboratories and centers, and on plans for the coming year in a format provided by the OMB. Information will be collected from each appropriate activity by the ADTTP Manager and prepared in coordination with the Office of the Assistant Secretary of Army (Financial Management) which prepares the budget for OMB.

4–2. Special reports

Due to the recognized importance of enhanced domestic technology transfer from Federal laboratories to the future economic wellbeing of the country, special reports on the implementation of the National policy and the effectiveness of the domestic technology transfer effort at the agencies are required by DOD, OMB, General Accounting Office, Department of Commerce, and various other Executive Agencies and Congressional Committees. Information for these reports and inquiries will be collected by the ADTTP Manager who will then prepare or coordinate the preparation of the reports as needed on behalf of the Army.

Appendix A
References

Section I
Required Publications

AR 37–1
Army Accounting and Fund Control (Cited in paras 1–6, 2–9 and 3–28.)

AR 672–20
Decorations, Awards, and Honors Incentive Awards (Cited in paras 2–5 and 3–5.)

Section II
Related Publications
A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

5 USC 552
Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings

15 USC 631
Aid to Small Business

15 USC 632
Definition of Small Business Concern

15 USC 3701 et seq.
Stevenson-Wydler Technology Innovation Act of 1980

33 USC 2313
The Water Resources Development Act of 1988

35 USC 209
Restrictions on Licensing of Federally-Owned Inventions

3S USC 281 et seq.
Remedy for Infringement of Patent, and Other Actions

37 CFR 404
Licensing of Government-Owned Inventions

AR 27–60
Patents, Inventions, and Copyrights

AR 600–50
Standards of Conduct

DOD 3200.12–R–4
Domestic Technology Transfer Program Regulation

Executive Order 12591
Facilitating Access to Science and Technology

Section III
Prescribed Forms
This section contains no entries.

Section IV
Referenced Forms
This section contains no entries.

Glossary

Section I
Abbreviations

ADTTP
Army Domestic Technology Transfer Program

AMC
Army Materiel Command

ASA(RDA)
Assistant Secretary of Army (Research, Development and Acquisition)

CG
Commanding General

CPAR
Construction Productivity Advancement Research

CRDA
Cooperative Research and Development Agreement

DA
Department of the Army

DCSTPM
Deputy Chief of Staff for Technology Planning and Management

DOD
Department of Defense

FLC
Federal Laboratory Consortium

NIST
National Institute of Standards and Technology

NTIS
National Technical Information Service

OMB
Office of Management and Budget

ORTA
Office of Research and Technology Applications

PLA
Patent License Agreement

RDTE
Research, Development, Test and Evaluation

R&D
Research and Development

SBIR
Small Business Innovation Research

TVS
Technical Volunteer Service

Section II
Terms

Applications assessment
A summary emphasizing the potential civilian application of each technological development from Army R&D projects that has potential for successful application to State and local government or for commercialization by private industry.

Army-owned invention
An invention, plant, or design which is covered by a patent, or patent application in the United States, or a patent, patent application, plant variety protection, or other form of protection, in a foreign country, title to which has been assigned to or otherwise vested in the United States Government as represented by the Secretary of the Army.

Civilian Agency
Non-DOD Federal, State, or local government components.

Construction Productivity Advancement Research (CPAR) Program
A program created by the Water Resources Development Act of 1988 for the Corps of Engineers which provides for limited Government fund contributions to certain Cooperative Research and Development Agreements developed by the Corps under procedures specified in the Act.

Cooperative Research and Development Agreement (CRDA)
A legal agreement which implements the new authority specified in the Federal Technology Transfer Act of 1986. CRDAs include agreements between one or more Federal laboratories and one or more non-Federal parties under which the laboratory provides personnel, services, facilities, equipment or other resources (but not funds), with or without reimbursement, and the non-Federal parties provide funds, personnel, services, facilities, equipment or other resources toward the conduct of specified research or development efforts which are consistent with the missions of the Army R&D activity. The term does not include procurements, grants or other types of cooperative agreements made under the authority of any other legislation.

Heads of Technology Developing Agencies
These are the Commanders or other Heads of major Army components responsible for the performance of research and development. These include the Commanding General, Army Materiel Command; The Surgeon General; the Chief of Engineers; the Commanding General, Strategic Defense Command; the Commanding General, Information Systems Command; the Deputy Chief of Staff for Personnel; and, the Heads of other equivalent organizations which may be made responsible for the performance of R&D within the Army.

Laboratory invention
An invention in the custody of an Army laboratory or center. An invention is considered to be in the custody of an Army laboratory or center if the invention was made in whole or in part by an employee or former employee of that organization; was developed under a contract awarded or technically administered by the laboratory; or falls most closely within the technical mission of the laboratory or center at the time invention is proposed for licensing.

National Institute of Standards and Technology (NIST)
An element of the Department of Commerce, formerly called the National Bureau of Standards, which has responsibility under 15 USC 3710(e)(7)(A) for collecting and administering funds on behalf of the Federal Laboratory Consortium.

National Technical Information Service (NTIS)
An element of the Department of Commerce which serves as a clearing house for collecting, disseminating, and transferring technical information having potential for use by the private sector and civilian agencies. It cooperates with the Offices of Research and Technology Applications (ORTA) of the Federal laboratories in disseminating information on laboratory technology.

Partnership intermediary
This term means an agency of a State or local government or a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or operated in whole or in part by or on behalf of a State or local government, that assists, counsels, advises, evaluates, or otherwise cooperates with small business firms that need or can make demonstrably productive use of technology related assistance from a Federal laboratory.

Patent License Agreement (PLA)
A legal agreement which grants a license to use or practice an Army invention.

Practical application
To manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

Research and Development laboratory budget
This consists of all Program 6 "Research and Development" resources as defined in the DOD Planning, Programming, and Budget System that is allocated to the Army's laboratories and centers.

Small business firm
This term is the same as that used in Army procurement. It is precisely defined by 15 USC 632, the implementing regulations of

the Administrator of the Small Business Administration.

Specified laboratories and centers
All Army R&D laboratories and centers which conform to the definition of a "Federal laboratory" in 15 USC 3703 (6). This applies to Army organizations responsible for R&D that are deemed by the ASA(RDA) as producing significant research results appropriate for transfer to civilian applications in the United States.

Technology transfer
The process of cooperatively adapting existing DA R&D results, technology, or technical know-how to meet civilian needs. Technology transfer is also the process of matching the solutions resulting from DA programs in the form of existing science and engineering knowledge and capabilities to the problems of industry or the public.

Section III
Special Abbreviations and Terms
This section contains no entries.

Index

This index is organized alphabetically by topic and subtopic within a topic. Topics and subtopics are identified by paragraph number.

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